

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gentz et al.

Application No.: 09/518,931

Art Unit: 1632

Filed: March 3, 2000

Examiner: Paras Jr., P

For: Tumor Necrosis Factor
Receptors 6 α & 6 β



Priority Docket No.: PF454P1

#13
Zeta
1/3/01

PROVISIONAL ELECTION WITH TRAVERSE UNDER 37 C.F.R. § 1.143,

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated November 9, 2000, please consider the following provisional election, *with traverse*, and consider the remarks below.

Applicants submit herewith: (a) an Information Disclosure Statement Pursuant to 37 C.F.R. § 1.56 (with a revised Form PTO/SB/08 and copies of references AO-BU); (b) a Petition for Extension of Time Under 37 C.F.R. § 1.136(a); and (c) a Fee Transmittal Sheet.

REMARKS

The Examiner has required restriction of the claims into one of two groups - Group I drawn to polypeptides or Group II drawn to antibodies. In accordance with 37 C.F.R. § 1.143, Applicants hereby provisionally elect, *with traverse*, the invention of Group I, (represented by claims 24-131 and 141-247). Applicants reserve the right to file one or more divisional applications directed to the non-elected inventions should the restriction requirement be made final.

Applicants respectfully traverse the restriction requirement. The Examiner asserts that the claimed subject matter of the specified groups are distinct. Even assuming, for the sake of the argument, that patentably distinct inventions appear in a single application, restriction remains improper unless it can be shown that the search and examination of the groups together would entail a "serious burden" (see MPEP § 803). In the present situation, no such showing has been made. Indeed, no arguments have been made explaining why it would impose an